

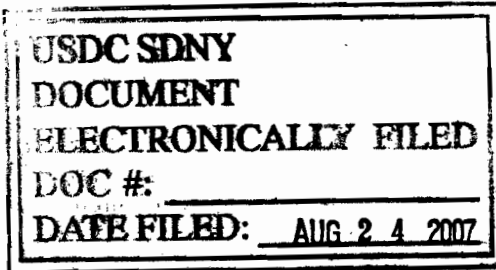
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July 31, 2007



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Honorable Laura Taylor Swain
United States District Court
500 Pearl St., Room 755
New York, NY 10007

MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

Re: Banc of America Practice Solutions, Inc. v. West 86th Street Dentistry, PC, et al.
1:07-cv-04752-LTS

Dear Judge Swain:

This office represents Plaintiff Banc of America Practice Solutions ("BOA") in the above referenced matter. A hearing was originally scheduled for July 9, 2007 relating to an Order to Show Cause which was signed by your Honor on June 19, 2007. BOA was seeking the entry of an Order of Seizure relating to its collateral located at the defendant's dental practice in Manhattan. On July 9, 2007 the undersigned reported to Your Honor that the parties were finalizing settlement discussions and that we intend to file a stipulation with the Court.

Based upon the foregoing, BOA requested and the Court granted an adjournment of the Order to Show Cause to the same date as the pre-trial conference, which is scheduled for September 21, 2007. We were hoping to report that the case could be dismissed before that time.

Ultimately, the defendants executed a forbearance agreement dated July 11, 2007, which required an initial payment to be made by or before July 24, 2007. In addition, on July 18, 2007, this office forwarded the defendants a stipulation of settlement and dismissal for execution. A true copy of the July 18, 2007 correspondence and attached stipulation is attached hereto as Exhibit "A". To date, BOA has not received the required July 24, 2007 payment or the signed stipulation. As reflected in the original application in support of the Order to Show Cause, the Defendants seem to be playing fast and loose with BOA and now with the Court. It appears that the Defendants signed the forbearance agreement merely to delay the hearing in Court and with the intention of frustrating BOA's effort to recover its collateral.

Based upon the foregoing, we respectfully request that the hearing date on the Order to Show Cause be moved up to the earliest date Your Honor is available to consider this matter. I

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apologize for any confusion this matter has caused. Please do not hesitate to contact the undersigned with any questions Your Honor may have.


Respectfully submitted,
/s/ Joseph H. Lemkin
Joseph H. Lemkin

JHL

cc: Bryan Murphy

The matter will be heard on
9/21/07, as previously scheduled.

SO ORDERED.

 8/21/07
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE